IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11436 of 2004

Between:

Smt.Gundabathula Satyavathi, w/o Laxminarayana,
R/o Ramavarap Padu (Post), Vijayawada,
Rural Mandal, Krishna District.

..... PETITIONER

AND

1 Government of A.P., rep., by its Secretary Revenue (Endts.I) Dept., Secretariat, Hyderabad.
2 The Regional Joint Commissioner, Endowments Department, Kakinada, East Godavari District.
3 The Asst. Commissioner of Endowments, Vijayawada.
4 Sri Durgamalleshwaraswamy Varla Devasthanam rep., by its Executive Officer, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ of mandamus declaring the action on the respondents as illegal, and ultra virus to the provisions of Article 14 and 21 of the Constitution of India and also provisions of Act 30/87, and rules framed thereon on the subject from time to time besides directing not interfere with the possession of the petitioner being an extent of Ac.4.65 cents of dry land situated in R.S.No.45/2 of Prasadampadu Village, Vijayawada Rural Mandal of Krishna District.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent Nos.1to3: G.P. FOR ENDOWMENTS

Counsel for the Respondent No.4: SMT.N.INDRANI

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner claims to be a tenant in respect of an extent of Ac.4.65 cents of dry land in R.S.No.45/2 of Prasadampadu village, Vijayawada Rural Mandal, Krishna District.

2. According to the petitioner, her husband became the tenant in respect of the above said land during the year 1979. Subsequently, he died in the year 1992, thereafter, the petitioner was recognized as a cultivating tenant by the authorities and the petitioner has been paying an amount of Rs.9,500/-, subsequently the same was also enhanced. Further, according to the petitioner, the fourth respondent directed her to approach the third respondent – Assistant Commissioner of Endowments, Vijayawada, with a certificate from the Mandal Revenue Officer, Vijayawada, showing that she is a small farmer. Accordingly, the petitioner obtained a certificate from the Mandal Revenue Officer, Vijayawada, dated 27.05.2004, stating that she has no other land except the land, which she is in possession as a tenant. According to the petitioner, basing on the said certificate, she also made a representation before the Assistant Commissioner of Endowments, Vijayawada, dated 15.06.2004, seeking declaration that she is a landless poor in terms of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') read with the Rules framed in G.O.Ms.No.379 Revenue (Endowments I) Department dated 11.03.2003. Though, no orders have been passed, but the respondents have issued auction notice and in fact conducted auction without even evicting the petitioner by issuing appropriate proceedings. Therefore, the petitioner has come up with the present writ petition.

3. This Court passed orders on 09.07.2004, directing the parties to maintain

status quo with regard to the possession of the schedule property.

4. The learned counsel for the fourth respondent, however, stated that the auction was conducted on 23.05.2004 and highest bidder offered Rs.40,500/- per annum.

5 . In view of the specific provisions, the Assistant Commissioner of Endowments has to conduct enquiry whether the petitioner is a landless poor in terms of Section 82 of the Act and the Rules made in G.O.Ms.No.379.

6. Heard both sides and considered the material available on record.

7. In view of the fact that the petitioner made an application for declaration that she is a landless poor in terms of Section 82 of the Act read with the Rules framed in G.O.Ms.No.379, it is appropriate to direct the third respondent to dispose of the application of the petitioner, expeditiously, preferably with a period of one month from the date of receipt of a copy of this order. Pending disposal of the above application, the order of status quo, passed on 09.07.2004, shall be continued.

8. The writ petition is accordingly disposed of with the above directions.

13.07.2004

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To

1 The Secretary Revenue (Endts.I) Dept., Secretariat,
Government of A.P.,Hyderabad.
2 The Regional Joint Commissioner, Endowments Department,
Kakinada, East Godavari District.
3 The Asst. Commissioner of Endowments, Vijayawada.
4 The Executive Officer, Sri Durgamalleshwaraswamy Varla
Devasthanam, Vijayawada.

5 Two CCs to G.P. for Endowments, High Court of A.P. Buildings, Hyderabad (OUT)

6 Two CD Copies